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Mr. Rick Breitenbach
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September 23, 1999

Subject: Comments Draft Programmatic Environmental Impact Statement
Environmental Impact Report (PIES/PEIR), State Clearing
#96032083, for the CALFED Bay Delta Program as released for
public review on 6/25/99.

Dear Mr. Breitenbach:

This letter serves as the formal comments of the Regional Council of Rural Counties on the above referenced document and its supporting appendices and reports. The Regional Council of Rural Counties (RCRC) represents twenty seven of the States 58 Counties¹. RCRC's member Counties encompass approximately 40% of the states total land base within its boundaries. The Counties have state mandated local land and resource

¹ Alpine, Amador, Butte, Calaveras, Colusa, Del Norte, El Dorado, Glenn, Inyo, Lake, Lassen, Madera, Mariposa, Merced, Modoc, Mono, Nevada, Placer, Plumas, San Benito, Shasta, Sierra, Siskiyou, Tehama, Trinity, Tuolumne, Yuba

planning authority, CEQA enforcement responsibility and the germane police powers to enforce ordinances in support of those authorities and responsibilities.

Approximately 80% of the water of the Bay-Delta Ecosystem originates in the RCRC member counties. These counties are also the location of major watersheds which are proposed to play key roles in the CALFED Program. These include; the San Joaquin River, the Merced River, the Tuolumne River, the Stanislaus River, the Calaveras River, the Mokelumne River, the American River, the Bear River, the Yuba River the Feather River, the Sacramento River, Butte Creek, Battle Creek, Cache Creek, Cow Creek and the Trinity River. The RCRC member counties also provide local groundwater planning and regulation protections to these resources.

In addition, RCRC member counties provide numerous public services, hold water rights and maintain CVP water master contracts for other local districts. In addition, in some of the Counties the local Board of Supervisors also sits as the local water agency and manages water resources for supply as well as flood protection. Thus, RCRC's member counties provide a very broad and far reaching service to their constituent citizens, as well as holding public trust responsibilities towards resource management within their political boundaries.

The comments within this letter reflect those of the RCRC. CALFED should understand that there will be written and oral testimony on the subject documents provided by individual citizens from within RCRC's membership area as well as individual County representatives. These comments are not intended to supplant the questions and/or comments addressed by those parties.

General Comments -

RCRC wishes to thank CALFED for the opportunity to review the latest version of the PEIS/PEIR. The document is difficult to read. There is no single place within the document which lists impacts - except in the most general terms in the Executive Summary. Thus, the reader is driven from document to appendix and back again trying to "piece" together just what

it is that CALFED is proposing, where the impacts will fall and to what degree they will be significant. This is not helpful to the reader and may be confusing.

Neither in the Executive Summary, or anywhere else in the document, can the reader find a comprehensive "water budget" for this multi-billion dollar program. By that, we mean a table indicating - in total - how much additional water the CALFED program will need - ultimately - and where it will come from. This is a fundamental issue of critical importance and disclosure which CALFED has not adequately addressed in over three years of activity.

The current PEIS/PEIR now fails, as did the previous PEIS/PEIR from CALFED fail, to provide full public disclosure of what will happen to the water in this state. How much will be reallocated? Who is impacted and who benefits? That simple question, asked repeatedly over the past three years remain unanswered. By CALFED's own admission the main focus of the program is to restore the Bay-Delta Ecosystem and that Program is premised on having more water resources available to accomplish its objective.

The CALFED program and more specifically this analysis, is wanting because it will not answer a simple question. How much water will CALFED need and from whom will CALFED, or its member agencies obtain it? Even for a programmatic level PEIS/PEIR, not having this information is an unacceptable level of detail. Inasmuch as the document fails to disclose this significant impact, we believe the PEIS/PEIR is inadequate.

Furthermore, we believe that the document is incomplete since it fails to adequately address the subject of the new Storage reservoirs, or existing storage reservoir reoperation, because the Integrated Storage Investigation (ISI) is incomplete. New above and below delta storage is noted by CALFED throughout the PEIS/PEIR as being a key mitigation measure on everything from water quality, to water supplies, to avoiding conflicts in the program's allocation of water resources - yet it is absent from the analysis. The question is, why present such an incomplete analysis? Why couldn't the PEIS/PEIR have been held until this key element of work was completed. What drove the schedule for the premature release of the document on the inauspicious date of June 25, 1999?

On June 8, before the California Senate Select Committee on the CALFED Water Program hearing in Sacramento, I testified that the proposed release of the PEIS/PEIR, absent a completed ISI, would render the document nearly meaningless. I urged that California's people would be better served by having the PEIS/PEIR placed on hold until such analysis could be completed and then incorporated into a complete and adequate analysis. I pointed out that only then would the people have the full disclosure of impacts required by CEQA.

Unfortunately, CALFED has instead released a PEIS/PEIR which due to the lack of analysis of this key component and the lack of adequate detail for key program elements fails to comply with CEQA. Those elements include; the actual decision making process related to conveyance alternatives, the ISI (and just how it may lead to new storage construction), the financing details of the Program (which in themselves may create significant redirected physical impacts) and Program governance. In its present form the PEIS/PEIR does not inform the reader on potential impacts associated with those subjects. It does not disclose what we believe will be significant impacts related to water resources within the RCRC membership area. Furthermore, without a clear definition of the proposed governance solution and a more committed mitigation proposal real assurances are notoriously absent. For those reasons, and others detailed later in these comments, we believe that the report is inadequate under NEPA or CEQA as a supporting document for a Record of Decision.

The document also uses many terms which are open to interpretation such as; should, conceptual models, adaptive management (decisions), collaborative partnerships, may, informed citizenry, socially and politically in concert with local needs, regional leadership institutes, bioregion, personally relevant at an operational level, good water quality, have speculated, potential future linkage..." etc. The ability of each reader to superimpose their own individual bias into each term leaves significant opportunity for increased misinterpretation. It was hoped that the CALFED documentation would instead reduce this phenomena.

The CALFED PEIS/PEIR identifies accommodation of an estimated population increase (approximately 15 million people) within its solution

time frame. This increase is larger than that of the total population of most states in the Union.

Imagine the reaction to a proposal by a land developer to seek approval to create a new city in California which would house fifteen million people. Furthermore imagine the reaction that in the environmental analysis the sole water source proposed would be increased water use efficiency by others and water transfers from somewhere else. Shortly after the laughter died down the lawsuits would begin. The CALFED Program now finds itself in nearly the same situation.

CALFED provides no commitment to new storage facilities to provide for adequate supplies for a growing population or for environmental needs. CALFED proposes to accommodate population growth through a combination of fallowing farmland, further reducing the available water for communities throughout the CALFED solution area and taking tens of thousands of acres of land out of economic production and off the tax roles and converting it to habitat. Amazingly, CALFED's scheme is, that even as regional water shortages mount throughout the solution area, there will somehow be created a viable water transfers market. This is neither a logical, or functional manner in which to address serious issues facing California's future.

CALFED carries out double-counting water use efficiency programs effectiveness, developing yet another method of "acquiring" water for the environment through the "Environmental Water Account" (a transfer program which depends on acquiring water from within RCRC member Counties), by fallowing farmland, by reducing available supplies of water to many portions of the RCRC geographic area and then providing no assurances that further deficits in the water supplies of the state will not be created through vehicles such as the Endangered Species Act. This is not a formula for success.

Instead of a visionary program which simultaneously repairs the Bay-Delta Ecosystem and provides for new water supplies, reliability, and assurances, as called for by all responsible parties in this process, we have instead been presented with a "politically correct" version of California's people getting by with less, and less, and less and less water.

By CALFED's own "ballpark" estimates, future water supplies may - after the expenditure of billions of dollars, the loss of perhaps hundreds of thousands of acres of producing farmland, the devastation of many rural communities and the job losses of their people - actually grow smaller! In addition, there is not even an assurance that water supplies for human consumption will improve in quality.

Despite the CALFED conclusion that new upstream storage will improve water quality (see page 5.3.2 final paragraph); *"Although the effects of additional upstream storage may differ depending upon its location and operations, additional upstream storage generally would increase the flexibility to provide for additional fresh-water releases and Delta inflows that will improve Delta water quality."* The decision to go ahead with new storage is premised on triggers such as water conservation, transfers and recycling targets. There is no logical reason for those targets to become prerequisites to improve water quality.

In the same page/section, benefits of south-of-Delta storage are detailed related to export pressures and storage as a mitigating factor to reduce pumping induced water quality impacts. The benefits from new storage to improving water quality are clear.

CALFED's mitigation strategies (Section 5.3-11 on page 5.3-36 & 37) recognize the value of storage to mitigate for problems which will be caused by the CALFED program.

"The Water Use Efficiency and Water Transfer Program elements of the alternatives would result in some localized adverse impacts on water quality which could be mitigated in most cases by release of greater volumes of fresh water from upstream reservoirs."

"TOC increases may be mitigated by locating created wetlands away from drinking water intakes, by treating wetland discharges, or by treating water to remove TOC before it is disinfected and supplied to water system customers. Mitigation may not be available to reduce impacts to less-than-significant levels"

In summary, this indicates that CALFED will impose water use efficiency programs and water transfer programs which they acknowledge will reduce water quality in tributary areas upstream of the Delta. CALFED fully understands that the creation of new surface storage could mitigate for these impacts by producing flows to mitigate for these impacts. CALFED's solution however, is to propose that existing water storage facilities upstream be made to mitigate for a Water Use Efficiency and Water Transfer Program that will benefit other areas of the state. This will mean releasing additional water out of the existing surface storage reserves of the state to mitigate for a CALFED created impact as detailed above.

This is clearly a significant impact on rural California's water source areas - in violation of CALFED's own principals for a CALFED solution regarding no redirected impacts. Furthermore, even though CALFED recognizes that new surface storage would solve this water quality problem, the decision to proceed with that needed storage is made contingent on implementing and achieving targets of performance for the Water Use Efficiency and Water Transfer Program elements. These are the very actions which CALFED admits will create the water quality impact. The proposal to then use additional water from limited storage capacity to "flush" out the problems CALFED will create is ludicrous. Why would any rational decision maker impose Water Use Efficiency standards to "save" water if the resultant impact on water quality required the use of more water?

It should be noted that studies have shown that water conservation practices in the Sacramento Valley has increased salinity in fields. This result has resulted in elevated salinity levels on agricultural lands and in associated groundwater sources. The research by the United States Department of Agriculture's ARS and the Univ. of Calif. Cooperative Extension indicates that the cause of reduced rice yields from these fields is a result of increased salinity due to conservation measures. Salinity in water is a key issue not just in the Delta and for export water quality standards but for all California and CALFED should treat the issue accordingly.

The final irony of this analysis is that CALFED also is resigned to creating wetlands in rural areas which will degrade local water sources through

increased TOC and require additional treatment. This will introduce additional disinfection by products into a Delta water supply in conflict with CALFED's own admirable vision of *"...not only providing drinking water that meets standards for public health protection but also of continually striving toward excellence in drinking water quality."* (Water Quality Program Plan, June 1999, Section 3.1 Summary, page 3-1)

CALFED should also rephrase its conclusion on page 3-9 of the Water Quality Program Plan that states, *"Turbidity and natural organic matter, occurring primarily from storm water runoff and agricultural activities..."* Wetlands and their associated runoff are also a significant cause of natural organic matter.

CALFED proposes to impose water use efficiency actions, a wetlands creation program and a water transfer program which will cause long-term unmitigated impacts on rural California's water quality. This is being done to mitigate for impacts which manifest themselves in the Delta, but which were created elsewhere. The CALFED Program as currently structured will result in significant adverse impacts in rural areas to water quality, removal of land from local tax roles to create the wetlands (resulting in general operating revenues for local services and redirected socioeconomic impacts), increased costs to rural residents for drinking water treatment, the loss in existing availability of surface storage capacity through releases to mitigate for CALFED programs, the increased cost of water to agricultural operations with loss of productivity and jobs and the potential for growth inducement by shifting rural economies away from agriculture to bedroom communities serving urban areas. The CALFED program will be devastating in its impacts to rural California and most of the RCRC membership area. This outcome is avoidable through changes in the program design and the development of new surface storage.

The CALFED program, without significant change in direction, focus and clarity of purpose, will fail - there will be no significant local support for such draconian actions. If the program continues, based in its current focus and priority, under the fragile shield of this inadequate analysis, RCRC cannot in good faith to its member Counties citizens, continue to support the CALFED Program.

Given the potential severe economic and environmental damage which may accrue to RCRC member Counties, RCRC would instead actively oppose such a program. RCRC finds this to be a poor choice to have to make regarding a program that just nine months ago was so close to success.

It is within that context that we provide the following comments on the PEIS/PEIR as a formal exhaustion of our administrative remedies in the NEPA/CEQA process.

General Program Overview-

The CALFED Program is very complex and controversial. Much of the program is developed to an inadequate level of detail so that comments on the PEIS/PEIR must be at the same "fuzzy" level. Key issues, such as storage/conveyance decision making processes, financing, adaptive management decision making and program governance are unclear. The program proposes that many of these issues will be dealt with between now and the Record of Decision. With these key elements missing, we believe that the PEIS/PEIR is inadequate. It is recommended that following the completion of these key program elements another draft PEIS/PEIR should be recirculated. Failure to do so will place the program in violation of the public review and comment provisions of the California Environmental Quality Act (CEQA).

RCRC wishes to urge CALFED to embrace a fundamental concept regarding the overall implementation of the Program. Counties are a subdivision of the State of California, whose governing boards are locally elected and answerable to a local citizenry. This interplay between local elected officials and the individual citizens provides the necessary "communications loop" between government activity and those who would be affected. CALFED must recognize, that for its program to succeed, it will need the willing cooperation of these local elected officials, the County governments they represent and the citizens who reside in those areas. Any attempt to impose a Sacramento/Washington centered implementation program, with limited regard for local support, upon these Counties and these people will be met with concerted, deliberate, opposition. The need for local leadership, locally supported actions, and a recognition of local authority is therefore an essential element of the CALFED program. Without it, the

program will most certainly fail.

No Action Alternative -

The so called No Action Alternative contains actions within its modeling assumptions Criterion (see Attachment A of the PEIS/PEIR pg. A-19) which are invalid.

The Trinity River Imports are incorrect in that they underestimate the total average annual flows for the Trinity River by approximately 52,000 acre feet.

The VAMP is a one year program. The environmental documents only provide authorization for the program to be carried out for one year. Additional environmental analysis and permitting would be required for the VAMP to be a long-term program incorporated into the action. Inasmuch as it therefore does not meet the criteria in the PEIS/PEIR for being an action for inclusion in the No Action Alternative it should be deleted from modeling assumptions.

Both of these actions will reduce the total amount of water available in the system for use and CALFED's models should be adjusted to reflect this.

However, with regards to most of the implications of potential environmental impacts, possible socio/economic impacts, holding down of costs and preserving agricultural lands, the No Action Alternative appears to be the least damaging to rural California and RCRC's membership.

RCRC therefore, recognizes and supports the No Action Alternative for the following reasons:

1. It results on less impacts to rural California and its people.
2. It will cost significantly less than the other alternatives.
3. It will less harm to the environment than the other alternatives.
4. It will, in all probability sustain water quality for RCRC's member

counties at a higher level than through any of the other CALFED alternatives.

5. Ecosystem restoration actions within RCRC's membership area will be reduced thus avoiding impacts such as; local environmental impacts, reduced local water quality, increased local services costs due to lands removed from tax rolls, agricultural productivity losses (with secondary and tertiary impacts) and threats/losses to local water supplies.
6. The Environmental analysis currently presented is legally adequate for carrying out the No Project Alternative.

RCRC does however, recommend that in recognition of the anticipated population growth expected within the state that new storage should be constructed as soon as possible.

Modeling Assumptions -

The CALFED premise for Ecosystem Restoration flow targets is that they will be taken out of any "new" storage and absent that they will be met as *"...add water function to simulate acquisitions from willing sellers."*

We don't believe this assumption is valid due to the dynamic relationship between available "surplus" water resources and water transfers and believe that in absence of the willing sellers, Ecosystem Restoration flow targets will not be met and ecosystem restoration targets will be missed. That is, without new storage there will be increasingly limited opportunities for water acquisition.

Storage Fillings and discharge Priorities -

Page A-22 describes a priority for storage and discharge of water which describes "new" storage criteria. We understand, as wish to clarify for the record that this only applies to new storage and does not apply to reoperated existing storage. Please clarify through a response.

Environmental Water Account -

This program element presumes to be a source of "new" water for environmental purposes. It is not. It is simply moving water in productive use in one segment of societal values into another set of values and (in most cases) to another geographic location. Over the long-term harm will come to the area from which the water has been transferred if proper local controls, authorities and processes are not conformed to.

Whether water is purchased for the environment, for far away agricultural exporters or distant urban users is irrelevant to rural Californian's concerns on this subject. When the water is gone the motives, goals and aspirations of those taking it are of no consequence. Only the impacts will remain.

Much of this transferred water is most certainly not "new" water", that is water which would not have been captured for use in the system. The EWA water will come out of the existing inventory of resources already developed. EWA water is apparently in addition to water needed for the environment according to the CVPIA, the Bay-Delta Water Quality Control Plan of 1995, the Bay-Delta Accord and the current ESA biological opinions. It was our hope that the CALFED program would improve water supply reliability not further erode it.

The presumption that the EWA will become a significant tool in meeting Ecosystem Restoration goals in the absence of the construction of new storage is a fatal flaw. The EWA will enter a market place in which buyers are competing for increasingly limited water resources within the regions from which the water is sought to be transferred. Although water may be available in those areas in above normal and wet years, unless there is a place to store that water it will have limited value for ecosystem use. In other water years the EWA will find that there are no willing sellers. That is, sellers willing to export water out of an area where it may be needed to sustain an agricultural economy and local community, for use in environmental restoration elsewhere. Certainly the specter of public scrutiny, and close examination of transfers in a local public governance arena with full disclosure of outcomes, will dampen the popularity of most

water redistribution schemes. Absent supplies for source areas, a vibrant water transfers marketplace will in most cases not exist.

Based upon our estimate of the situation and current unmet area of origin needs upstream it seems improbable that there is available water on the Tuolumne River in critical and dry water years. If by some chance someone found such water, it is more probable that at least some portion of it will be sought for upstream use for drinking water in water short Areas of Origin, such as southern Tuolumne County. The same estimate holds true for the Stanislaus system due to unmet demands in upstream areas. CALFED's presumption that there will be up to 50,000 acre feet of water available for transfer from this area in a critically dry year is wrong. In such a water year, surface supplies are constrained significantly and groundwater resources are used to simply meet existing needs. There is no such surplus for transfer - unless significant local, redirected impacts were to occur.

With new storage in place, it should be understood that the EWA program could regionally still be in direct competition with source areas with unmet water needs. It is probable, that in some of the more mountainous areas of the central Sierra's there may be no other way to meet local water needs except for new surface storage and/or reoperation of existing hydroelectric facilities, depending upon local conditions.

While it is true that reoperation of existing investor owned hydroelectric facilities could meet needs in some areas, those facilities cannot meet all of the needs for local water supplies and for CALFED's restoration actions.

Therefore, the construction of new storage facilities should be premised at least in part, upon the need for water for environmental restoration actions and CALFED's ecosystem restoration program. Inasmuch as these programs are for broad public benefit they should be paid for out of traditional funding mechanisms such as bonds and not placed as a financial burden on parties not acquiring any benefits from the costs.

Water acquired by the EWA should not be presumed to come at the expense of Area of Origin needs. Until those needs are met and water supplies secured for the future of those areas, there will be significant

difficulties finding the necessary water or lands for CALFED restoration actions.

CALFED's assumption that the EWA would provide certainty for ESA and other regulatory assurances (see Attachment B, Page B-3) is invalid. The EWA will not be able to acquire the water described due to that water already being used within the targeted system. Some of the areas identified by CALFED in the PEIS/PEIR for water acquisitions are streams which are over appropriated. Nonetheless, CALFED presumes to acquire EWA water from those streams in critically dry years (see table 5.1-13). In the absence of those acquired supplies Environmental Restoration Flows will not be met and assurances will also be lacking.

CALFED's own conclusion regarding the conflict between water acquisitions and new storage is that *"When new Sacramento River and San Joaquin River Regions surface storage is included in the Preferred Alternative, fewer water acquisitions are required to meet Ecosystem Restoration flow targets. New storage could also be operated to provide Ecosystem Restoration Program flows for other tributaries by exchange agreements."* (pg. 5.1-64).

The definition of "water users" is also questionable in that it seems to be CALFED code for exporters. Water users should mean those who use water within the CALFED solution area not just exporters.

Staged Implementation and Decision Making -

CALFED's proposal to begin a multi billion dollar ecosystem program which presumes to acquire ecosystem restoration water which may not ever be available in the quantities presumed is a formula for failure. CALFED's approach would place water users and the ecosystem demands for water in a competitive arena. With no new supplies tension between the two competing uses will grow - not lessen - and the Program will terminate as soon as the first prolonged series of dry to critically-dry water years occurs.

Furthermore, the Program openly embraces the concept of beginning down this slippery slope without answering the key questions of finance (who

will pay and how much) and governance (who will decide what, based upon what and when?). The promise to answer these issues "*...by the time of the Record of Decision and certification of the Final EIS/EIR...*" will deny the public the right to full disclosure of impacts as is required by CEQA.

For example, the Finance Plan could impose charges which drove certain spectrums of water use out of business with resulting changes in local economics and land use. Those changes would very likely cause direct physical changes to the land use patterns of that area, with attendant physical environmental impacts. These impacts would be a secondary result of the implementation of the CALFED finance plan which is not present for analysis. CALFED is remiss in its responsibility under CEQA to provide full disclosure of environmental consequences of the proposed action and an opportunity for public review and comment.

New Storage and Water Use Efficiency -

Water use efficiency, water conservation and water transfers appear to have been used by CALFED as a surrogate for new surface storage facilities. New surface storage facilities are needed to provide a manner to capture a portion of high spring flows so as to provide direct, controllable and measurable water supply benefits. Groundwater storage projects cannot store spring runoff in the manner of surface storage due to the constraints in groundwater recharge rates.

It is also undesirable to limit the construction of new storage until overly optimistic program targets for water conservation, reclamation and transfers are met. The lack of new storage will become a contributing factor to an ineffective water marketplace.

Water transfers take place when there is surety on the part of the seller that the resource can be made up. Absent that, it is unlikely that increasingly precious water resources, would be marketed outside the region successfully. In those areas where successful water transfers have taken place in the past, it was the knowledge of secure water rights and surface water storage that were the catalyst for a willing seller.

Groundwater transfers are now and will continue to be limited through the

local jurisdiction of local water agencies and Counties. It is unlikely that RCRC member Counties would approve exports of groundwater in absence of assurances that such resources could reasonably be replenished so that the safe yield of the groundwater basin would be maintained. New surface storage could provide that assurance for some areas of the state.

In short, California's future water needs cannot be met without new storage facilities (surface, groundwater, and reoperation of existing investor owned hydroelectric projects). These facilities are needed both north and south of the Delta and should be operated in such a manner so as to provide maximum flexibility in sustaining water supply reliability for people and the environment. Putting off the storage solution, through yet one more assessment is unnecessary. The anticipated fifteen million future residents of the state and the obvious growing environmental water demands provide ample evidence of the need for such facilities - sooner not later.

Groundwater projects can play a vital role in managing water resources. These projects should be developed in partnership with local interests and not imposed by state or federal agencies. The role of Counties as local resource planners and managers - including water resources - has long been recognized in California's land use planning laws. CALFED should recognize this long standing California role of local cities and counties and incorporate that planning process and those resource management responsibilities into the CALFED program. Instead, CALFED appears to accept the potential to simply clash with those plans and on numerous occasions identifies that one of the impacts of the CALFED preferred alternative will be conflicts with local plans. This will make CALFED's work all that much more difficult.

Ecosystem Restoration Land Acquisitions-

RCRC's member Counties in many cases have very high percentages of land holdings by federal and state agencies. In some cases over 90% of the total land area in the County are so encumbered. CALFED is proposing to acquire yet additional lands to mitigate for problems which have manifest themselves in the Delta. This acquisition will, aside from other impacts related to land use, secondary employment markets and adjoining land

impacts also result in tax losses to Counties.

Payment of in lieu of taxes (PILT) is a form of reimbursement which is suppose to mitigate for those losses. However, payment of PILT funds is often "overlooked" by federal agencies which acquire and mange these lands. For example, in Colusa County 13,000 acres of wetlands in state and federal refuges are being "carried" on the backs of local taxpayers. That is, the PILT funds due the County are \$800,000 in arrears. Thus, unpaid taxes become yet another burden placed upon rural California by ecosystem restoration actions promoted by CALFED.

If non-payment of PILT funds is the first example of a CALFED "assurance" there is little reason to move ahead with any additional CALFED proposal. A simple solution to the problem would be to place on hold any additional land acquisitions until such time as all PILT payments are current in the books of local governments.

Watershed Program Plan -

In reading the CALFED Watershed Program Plan it is unclear just how this portion of the program links to the other program elements. For example, one of the primary objectives of many watershed projects and a byproduct of nearly all watershed actions is improved water quality. However, there is no clear linkage. Rather, the watershed program is like some appendage that CALFED hasn't discovered how to use yet.

CALFED's own Watershed Work group has recommended that CALFED's program be based on a watershed approach to program management. This is one way to avoid having ended the process with only having funded a long list of projects which are disconnected from an overall CALFED target for the watershed in question.

In addition, the "linkage" element is incomplete and inconsistent as related to the funding portion of the Program. For example, (pg 134 Implementation Plan) *"One financing concern in the Watershed Program is how to help support local community participation and organization initially, but encourage self-sufficiency for program management and administration...by the end of Stage 1, the objective would be to have*

many successful self-administered, and self-sufficient local watershed programs."

Unless we are mistaken, it appears that this is the only CALFED Program element which is specifically targeted to achieve financial self-sufficiency within the Stage 1 time frame. Can CALFED please explain this rationale and how this is consistent with CALFED's long term financing program?

We are similarly concerned that there is no apparent linkage between the CALFED water management portion of the Program and the Watershed Program. Watershed management is another form of water management. It is water management prior before the water is stored and before the water is subject to water rights permits. Perhaps it is the latter point that has troubled CALFED in dealing with this issue.

Generally, we believe that CALFED should look carefully at the conclusions reached in the Sierra Nevada Ecosystem Project Final Report to Congress (Vol. III Assessment Commissioned Reports and Background Information. Davis: University of California, Center for Water and Water and Wildland Resources, 1996. Economic Assessment of the Ecosystem, Chapter 23, pg. 974), *"The Sierra Nevada ecosystem produces approximately \$2.2 billion worth of commodities and services annually. Water accounts for more than 60% of that total value. Other commodities account for 20% as do services. Public timber and private recreation are the largest net contributors of funds to county governments both in total dollars and as a percentage of their total value. Around 2% of all resources are presently captured and reinvested into the ecosystem or local communities through taxation or revenue sharing arrangements. The declining status of some aspects of the Sierra Nevada ecosystem suggest that this level of reinvestment is insufficient to ensure sustainable utilization of the ecosystem...The flow of economic values from the Sierra Nevada provides an empirical basis for assessing how different levels of government; producers and consumers; and employers and employees could be involved in new approaches."*

The report goes on to conclude that *"The estimated annual value of the right to divert water from the Sierra is approximately \$1.5 billion"* (SNEP, Vol. III, Chap. 23, pg. 1019, emphasis added).

Beneficiaries of the water resources of the source areas (Sierra or otherwise) gain significant economic value in profits which are only achieved through favorable flow conditions from these source areas. However, those beneficiaries pay what amounts to nothing in return towards maintenance of the watershed systems that provide that water.

In comparison, the commercial timber industry pays significant funds towards forest maintenance. The gap in watershed reinvestment funding is currently paid for - at a wholly inadequate level - by the general taxpayer. In the meantime, water users (and hydroelectric generators) skim away the values to hold down costs for remote economies.

CALFED does nothing to resolve this fundamental inequity in management or restoration of this significant portion of the solution area.

We would like to offer the following specific comments on the CALFED Draft Watershed Program Plan;

Page 2-2. Water Quality. We believe that watershed programs will improve water quality and that water quality is a by product of all properly planned and implemented watershed projects.

Page 2-3. Water supply reliability. CALFED makes no mention in this section with regards to the effects of wildfire and vegetation cover. Nor are groundwater resources mentioned as a component of watershed management. This is a systemic problem in that the water management aspects of the CALFED Program are not linked to the Watershed Program.

Furthermore, CALFED makes no mention of important stressors to the watersheds including; road construction, poor road maintenance, abandoned mines, diversions and wildfire/improper fuels management.

Section A2, page 2-4/5. There is no recognition of the land management authority of the U.S. Dept. of Interior, Bureau of Land Management, the U.S. Dept. of Agriculture, Forest Service, Counties as a subdivision of the state, or Cities. The Program must recognize and incorporate these important land use and resource management processes if it its to be successful.

Section A6, page 2-6. Collaboration with local plans is not only to be encouraged it is actually required by law. Thus, characterizing local general plans as giving "guidance" is incorrect. Local plans, coupled with their supporting ordinances are the regulatory authorities one must follow when carrying out discretionary or ministerial permitted projects within the state of California. Compliance with land use plans is mandatory, not optional.

Section 2.4, page 2-9. We are unclear what the term "funding assistance" means, especially against the backdrop of earlier CALFED statements regarding having the Watershed Program achieving financial self-sufficiency. Is this loans, grants, directed actions or other funding assistance?

Page 2-10. The document states, *"The willingness of CALFED to fund or support new or existing local watershed programs will be determined based on established principles and how well these local programs contribute to the goals and objectives of CALFED."*

We find fault not with the logic but rather with the reading of CALFED's objectives which are clearly diluted by the time they reach the Watershed Program. The Program provides no clear vision for providing for a long-term reinvestment strategy for watersheds within the CALFED solution area. Given the importance of these projects for water quality, aquatic and terrestrial species, water management and ecosystem restoration there is little if any linkage of the Watershed Program to these keys to any CALFED success.

We also find CALFED's proposal very disturbing to simply cut the Watershed Program adrift at some point in the future so that the program can, *"...successfully compete for other sources of outside funding or to generate funding within the community in order to meet many of their administrative and program management costs>"* Does CALFED propose to do the same to any of the other Program elements? If so, then perhaps the CALFED Assurances package should specifically call out these cuts and provide stakeholders with a schedule when we may expect the demise of CALFED financial support for key elements.

Section C-2, page 2-11. We do not understand the term "bioregion" nor do we grasp the concept of educating local citizens in why they are part of one. Inasmuch as CALFED and most state and federal agencies are moving more towards a watershed based planning concept, if there is to be any educating it should be along watershed boundaries.

We further are uncomfortable with the term "*regional leadership institute*". Who would be educating who about what and at who's expense?

Page 2-15. We find no recognition of the groundwater quality aspects of the benefits from a Watershed Project. Specifically, we refer CALFED to the Santa Ana Watershed Project which will provide (simultaneously) significant benefits in both water quality and water supply reliability. The importance of the Santa Ana Watershed proposal has been recognized in the passage of the recent water bond legislation.

Page 3-3 item IV. There should be required coordination with local watershed plans and land management plans which have been adopted within the watershed(s).

Page 3-3 item VI. Monitoring should lead to reporting of results which is a key element of the adaptive management concept. Monitoring without reporting and interpretation is not an end.

Section 3.3, page 3-3. We are unclear what the term "*...socially and politically in concert with local needs and desires.*" means. Please explain.

Section 3..3.3.1 page 3-6. "*Raising watershed awareness in communities can help people who live, work, and recreate in watersheds better understand natural processes and the impact of their daily activities*". This is at best a judgmental condescending, ridiculous, sentence.

Is CALFED proposing to educate west-side San Joaquin valley farmers and citizens about the hazards that farming in that area create? When will CALFED begin its mass education program in the lower San Joaquin valley and Los Angeles basin regarding the detrimental results of excess pumping at Tracy and Banks? Will the citizens of San Francisco and the peninsula be

given a primer on the long-term impacts due to the development of the Hetch-Hetchy system? CALFED should either develop these "education" programs everywhere, or no where.

Page 3-11. Watershed Science Training for Local Planners. We could find no records of any local City/County planners attending any CALFED Watershed Work group meeting when did the planners, *"...indicated a desire to know more about the functions and attributes of watershed systems."* make this point?

Page 3-13 Item #1. a key word is missing between the word watershed and the word restoration. The missing word is planning. The same word is missing on page 3-14 in the fourth bullet in the same place in the sentence.

Page specific comments -

Page 1-7 Water supply reliability items #1 and #2 seems to focus all water supply "tests" either within or as exports from the Delta. CALFED should recognize and provide reliability to those source areas which supply the water to the Delta and from which CALFED proposes to get even more water for various purposes.

Page 1-9 first paragraph. This blanket statement is simply untrue. There are many small "upstream diverters" who have projects located in such a manner (upstream of large foothill dams) which do not significantly change the seasonal patterns of the inflow, or outflow. Nor do those facilities adversely affect CALFED's key species due to the presence of the large downstream dams in the foothills. There is no evidence in the record to support the claim that many of those projects have resulted in impacts as described to the Delta.

Page 1-16 first bullet. The "...best possible source water quality..." is also of paramount importance to many rural water suppliers in the state. Perhaps the term urban is used by CALFED as a substitute for consumptive human use of water. Please clarify.

Page 1-18. Section 1.5 We believe that a Record of Decision, absent significant changes in the CALFED program as well as an adequate NEPA/CEQA analysis will not be supportable.

Page 1-21. Trinity River. The report references Attachment A and we direct our comments to that document. CVPIA (b)(2) water and refuge water supplies are modeled by CALFED as baseline "existing conditions" due to the CVPIA. Trinity flows, also ordered by CVPIA to be "implemented accordingly" are not included in the baseline. We believe that the Trinity flows should be included as baseline flows in CALFED models.

The Trinity River minimum fish flows are understated by CALFED by approximately 52,000 acre feet per year. The Trinity River Flow Evaluation Report recommends a range of flows based upon five water year types with a range of 368,000 (critically dry) to 815,000 (extremely wet). The weighted average is 594,500 acre feet, not the 542,429 acre feet described in the PEIS/PEIR.

Furthermore, Trinity River in stream flows of 340,000 acre feet/yr. are not only based upon the May 1991 letter agreement between the United States Bureau of Reclamation and the United States Fish and Wildlife Service they are also based upon Section 3406(b)(23) of the Central Valley Project Improvement Act.

Page 1-23. The VAMP is only a one year program. The environmental documentation for the project only provides authority for implementation for one year. Thus at the time of implementation of CALFED's Program there may be no VAMP in place. CALFED should make corrections as appropriate.

Page 2-9. Fourth bullet. We do not believe that using existing storage assets to maintain delta outflow is the best way to manage Delta salinity. To the extent such flows are necessary, new storage should be developed to maintain Delta salinity standards.

Page 2-14. Second bullet. We don't believe that "demonstrated progress" in meeting Program targets is a clear enough direction. Nor do we believe

that the test is a valid one. The lack of new storage will inhibit water transfers and the CALFED requirement of a certain amount of water transfers will not take place. Thus the CALFED prerequisite will not be met.

Page 2-18. The change in the State Water Project (SWP) operating rules to allow export pumping up to the current physical capacity of the SWP export facilities must be directly linked to State Water Resources Control Board removal of Term 91 restrictions on upstream diverters. The SWP is a junior water rights holder and is subject to Area of Origin statutes. Allowing the SWP to maximize exports without reducing restrictions on senior water rights holders upstream is simply to stand California water law on its head.

Page 3-3. Section 3.2. CALFED's assumption that any increase in water supplies or improved water supply reliability will stimulate growth is in error. There are currently areas in groundwater over-draft where new supplies would not stimulate new growth but instead be used to replenish groundwater basins. In other areas, increases in water supplies may provide an alternative to highly unreliable groundwater resources (such as in upland areas with no true groundwater table) or in areas where groundwater quality is inadequate.

Page 3.8. The Water supply and water management tables seem to indicate that CALFED measures "success" in this section only as increased exports. There are in fact many places in the CALFED solution area to which increased exports - at the expense perhaps of local supplies - would not be construed as success. Does CALFED only measure water supply gains at the pumps? If so, the term "Solution Area" takes on a whole new and sinister meaning. Please clarify.

Page 3.16. We are unclear what specific "inconsistencies with local and regional land use plans" would take place (as referenced in Urban Land Use). California law prohibits development approvals from being approved which are not found to be consistent with local general plans and their implementing ordinances. However, it is possible to amend plans to accommodate changes in the local community in a manner in compliance with state planning law (see also page 3-24 comments).

Page 5.1.i. The introductory paragraph claims *"The CALFED Bay-Delta Program would increase the reliability of water supplies and reduce the mismatch between Bay-Delta water supplies and the current projected beneficial uses that are dependent upon the Bay-Delta system."* We don't believe that claim is supported in the evidence presented in the PEIS/PEIR.

Section 5. We note that CALFED fails in most river inventory statements to identify the numerous investor owned hydroelectric facilities located on these streams. We are not sure of the significance (if any) of these omissions. Clarification would be helpful. These facilities do hold tactically important positions regarding their ability to reregulate significant upstream reaches, as well as providing local water supplies and recreational benefits.

Page 5.1-19. Addressing Uncertainty. We disagree with CALFED's conclusion that future water demands are a major uncertainty. California's human and environmental water needs over the next twenty years will increase. There are no predicted decreases. They may increase somewhat less than current projections, but they will still be significant increases. It would be better to plan for and accommodate those demands.

Page 5.1-25. Bullets one and two. It is unclear whether these measurements and objectives are intended to only benefit exporters are instead intended for all within the solution area. If they are the former then CALFED has aimed at the wrong target. If the latter we support the concepts.

Page 5.1-29. Second paragraph. We don't believe that the only factor regarding annual depletions for the east side of the San Joaquin Valley north of the Tuolumne River are CVP estimates. There are significant local water supply issues related to upper Stanislaus River reservoirs which will likely result in an increase in diversions to supply local water supplies. In part, those increases upstream are a result of the failure of the Bureau of Reclamation to provide local water supplies, through ignoring the Watershed or Origin protections from New Melones Reservoir. We believe that CALFED should not expect decreased diversions in source areas as a general rule. These areas are expected to grow and match water supplies to their local needs.

Page 5.1-36. Second paragraph. The document claims that *"Water transfers would affect the regions primarily through changes to river flow and water temperatures."* We disagree. Water transfers will also potentially adversely affect groundwater recharge, reduce local habitat due to avoided irrigation practices, reduce stream return flows from curtailed irrigation practices and change in land use patterns and practices.

Page 5.4-1. We disagree with the assertion that the Preferred Program Alternative (PPA) will benefit groundwater resources. The PPA will increase the demand for environmental water (ecosystem restoration flows and wetlands) while doing nothing to provide for increased demands due to population growth. The result will not be a benefit to groundwater resources but rather an increase in demand on those resources. RCRC's member Counties intend on protecting local groundwater resources from over use and export through comprehensive local groundwater plans and enforcement ordinances (which have been adopted, implemented, challenged and sustained previously). Local control of groundwater resources through protections of safe yield, will mitigate for the actions of the CALFED program - not CALFED's actions.

Page 5.4-4. The categories of negative impacts from conjunctive use programs is incomplete. Two potential impacts not listed are vector control (mosquitoes) and increased energy use from groundwater pumping. Please note our earlier comments (in brackets following this paragraph) which were submitted on June 29, 1998 as written comments on the previous CALFED PDEIS/DEIR regarding the mosquito issue. Despite those comments and CALFED's "Groundwater Outreach Program," this public health issue is still not recognized or addressed in the present PEIS/PEIR. We respectfully request CALFED to answer our comments this time.

[Section 8.8. Public Health and Environmental Hazards Summary, page 8.8-1, eighth paragraph. *"The Water Quality Program would have potential beneficial impacts as decreasing mosquito populations reduce the potential for disease transmission..."* We disagree. Actually, the proposed Water Quality Program (WQP) would result in the construction of settling basins and other structures that would be designed to maintain a pool of stagnant

water. Many of these structures would, by definition, be in parking lots and other areas in relatively close proximity to populated areas. The stagnant water detained within the structures would be mixed with high concentrations of organic material - an ideal environment for breeding mosquitoes.]

[Section 8.8.2.6. Mitigation Strategies. The proposed mitigations are either contrary to the proposed WQP, or internally contradictory. The referenced section proposes to use pesticides and to reduce the amount of standing water during construction, both of which directly contradict the proposed WQP. It also proposes *"...limiting construction to cool weather periods, when mosquito production is at its lowest; and limiting construction to periods of low precipitation."* Cool and dry weather is unusual in much of the Sacramento River Region. Such conditions are unpredictable and usually only occur for a few days or weeks at a time. This time period would be too short to complete any sizable construction projects - unless a multiple year time frame were used.]

[Section 8.5.1.3. Affected Environment/Existing Conditions, Sacramento Region (pg 8.8-7). CALFED accurately reflects the already serious mosquito-related problems in the Sacramento River Region, but fails to disclose the significant adverse impacts that would result from the WQP and to a lesser extent, the Ecosystem Restoration Program. As explained in the document, *"...the Sacramento River Region has a relatively high rate of encephalitis among the regions in the study area..."* and *"...historically the Sacramento River Region has had the highest rate of malaria of any of the regions under investigation."* These are serious public health problems that will be significantly worsened by the proposed project.]

Page 5.4-5. CALFED alleges that groundwater is *"...extensively used within upper watershed areas, particularly in the Sierra foothills, for homesite development and some agricultural development. Well yields are typically low and water quality may be affected by local pollutant sources, such as septic tank effluent."*

- We wish to correct this statement. We will again provide our comments in the following bracketed paragraph from our June 29, 1998 written comments on the previous CALFED PDEIS/DEIR. We wish to reiterate that

groundwater use is not strictly for residential/agricultural use and secondly, that other water quality problems are also associated with high mineral content.

[Page 6.2-9. Existing conditions. CALFED's conclusion that groundwater is not "widely" used in the upper watershed due to the availability of surface water is incorrect. There are many regions in the upper watersheds where an adequate surface water supply is not available and therefore municipal and industrial customers pump from groundwater located in fractures of the underlying granite. Groundwater in the upper watersheds can contain high concentrations of metals, and other contaminants such as lime and arsenic which require expensive treatment of water supplies. Nonetheless, for much of the upper watershed area this is the only available water supply.]

Page 5.4-29 second paragraph. The assertion that improved groundwater recharge in the upper watersheds will reduce the groundwater under flow of stream flow and result in declining stream flows is incorrect. The net results would actually be reductions in high spring runoff and an extension of stream base flows through the summer and fall season. This very point is made by CALFED in the Revised Draft Watershed Program Plan, June 1999. Page 2-3, paragraph one, which addresses Water Supply Reliability as a component of watershed effects.

Page 5.4-29 third paragraph. We disagree that there will be an increased demand for ground water in the Sacramento River Region as a result of increased demand for surface water in the upper watersheds. However, we don't believe that this will be the cause of groundwater use increases in the Sacramento River Region. Rather, we believe that that increase will be due to a combination of increased demands for water resources (for ecosystem and consumptive purposes) absent any new surface storage. We therefore ask CALFED to provide the data supporting their assertion.

Page 7.1-1. We disagree with the last paragraph on this page in which CALFED asserts that there will be increased certainty for agricultural irrigation water. There is no assurance that in the face of increased environmental and urban demands, there will continue to be enough water to provide for all uses with any degree of certainty.

Page 7.1-2. We agree with CALFED's assessment that as a result of implementation of the Preferred Program Alternative *"...a significant loss of agricultural lands, including some of the state's most productive lands, would occur."*

Page 7.1-3. We commend CALFED for proposing as a mitigation strategy (under item #3 and #4) for their intention to maintain consistency between CALFED actions and local and regional land use plans and public involvement of landowners, communities and affected parties.

Page 7.1-17. We concur with CALFED's assessment that the Ecosystem Restoration Program will convert up to 112,000 acres of important farmland to non-agricultural use. We however, believe that the impact will be significant and adverse to rural California.

Page 7.1-18. We concur that there will be between 166,800 and 220,800 acre feet of additional water supply needed in the Delta Region for tidal and non tidal habitat restoration. Our question is who's water is it now and how will it be obtained?

Page 7.1.7-4. We wish to concur with CALFED's assessment that up to 34,000 acres of important farmland, primarily on the east side of the Sacramento valley will be converted to non-agricultural use. We however, believe that the impact will be significant and adverse to rural California.

Page 7.1.7-4. We also concur that there will be between 68,000 acre feet of additional water supply needed in this Region for ecosystem restoration. Our question is who's water is it now and how will it be obtained?

Page 7.1.-22. We wish to concur with CALFED's assessment that up to 5,800 acres of important farmland, primarily on the east side of the San Joaquin River will be converted to non-agricultural use. We however, believe that the impact will be significant and adverse to rural California.

Page 7.1-23. We also concur that there will be between 11,600 acre feet of additional water supply needed in this Region for ecosystem restoration. Our question is who's water is it now and how will it be obtained?

Page 7.1-30. We support CALFED's strategy (third bullet) that local and regional land use plans be used to guide CALFED's actions and that CALFED's implementing features be consistent with these plans.

Page 7.1-32. We agree with the conclusion in Section 7.1.12 that up to nearly one quarter of a million acres of existing prime, statewide important and unique farmland will be removed from agricultural production. This is not a desirable outcome for rural California.

Page 7.2-1. We agree with CALFED that the Water Transfers Program can increase the water supply for urban users through purchasing the water from agricultural users. We also believe that there is a clear potential for adverse impacts to rural California from such a program, if unfettered by local control. RCRC will encourage its membership to exercise local control of resources to avoid such impacts.

Page 7.3-15, Section 7.3.7.4. We agree that there will be a loss of up to 2,550 jobs in the Sacramento River Region from implementation of CALFED's Ecosystem Restoration Program. Those impacts are redirected impacts in conflict with CALFED's own goals and the "possible" mitigation offered on the following page is non-committal and therefore non-mitigation. The impact will remain and be significant. We also agree with your findings on this subject regarding the San Joaquin region and believe the impacts will be similarly significant to rural areas.

Page 7.5-30. Section 7.5.6.4. We believe that the list of No Action Alternative bullet points should include the timely recognition by the Bureau of Reclamation of the meaning of the Watershed of Origin Act and the execution of a contract for a water supply to the County of Tuolumne's Tuolumne Utility District. The County has been seeking this contract for many years and thus far the Bureau has insisted they cannot meet that supply need. However, they have in part, made that argument by simply denying the application of the Watershed of Origin Statutes.

Page 7.6-10. We find the discussion regarding Significance Criteria to be incomplete. Specifically, where Ecosystem Restoration actions (as part of the CALFED Program) require additional lands to be removed from local

tax rolls and agricultural production there is a loss of tax revenues to local government. This is intended to be made up through PILT (payment in lieu of taxes) payments. However, PILT payments are not always timely and local County service providers find themselves "short" funds to provide services - due to land acquisition programs. The anticipated increases in public services due to these acquisitions is noted on the third bullet on page 7.6-12.

Thus, a real impact to local public services is the acquisition of lands for ecosystem restoration, and increase in public services demands and a reduction in tax revenues to the local government charged with providing those services. This impact is not addressed at all - where it should be - in Section 7.6.7.1. This is a serious omission of a significant impact and must be rectified in the Final PEIR/PEIS. Through this omission of fact, decision makers, local government officials and the public are presently denied the full disclosure of impacts required by CEQA and NEPA.

7.6-13. Water Transfers may result in increased public utilities impacts. If the transferred water is groundwater or surface water with groundwater substitution there will be increased energy usage to replace the transferred water. That impact could be significant depending upon the amount of water transferred.

Page 7.6-14. The development of new surface storage could result impacts to local government tax revenues similar to those outlined previously regarding ecosystem restoration actions. Please note accordingly and respond in the Final PEIR/PEIS.

Page 7.6-15. Please note that the identification of increased pumping of export water is expected to require additional power. This power should not come at the expense of the unmet commitments of the Western Area Power Administration and the Bureau of Reclamation made to the Public Power Agencies of Calaveras and Tuolumne Counties as provided for (as a previous and heretofore ignored "assurance" to an Area of Origin) in the 1962 Flood Control Act (Public Law 87-874).

These federal agencies failure to comply with existing laws and past assurances to RCRC member counties, is ample reason to be skeptical of

any similar promises made under the CALFED banner. There is little reason to expect the promises made as CALFED Assurances will be met, unless previous assurances are lived up to.

Page 7..7.6.5. We noted the absence of discussion regarding the potential for reoperation of Lake Almanor as part of the ISI investigations. We request that pending completion of the ISI reoperation analysis that a discussion regarding the potential impacts to Plumas County Recreational use of that site.

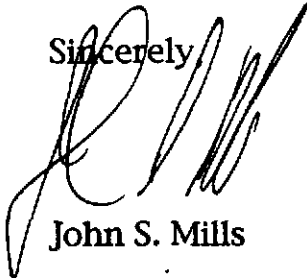
Page 7.9-11. We agree with your assessment that Western's preference customers will be faced with significant increased energy costs as a result of the proposed CALFED alternative. There is however, no recognition given to the First Preference Status of Calaveras, Trinity and Tuolumne Counties under reclamation law. We recommend that CALFED provide that distinction and explain what the level of the impacts could be on First Preference customers as well.

Page 7.10-10. We believe that the second paragraph, describing the "possible" mitigation measures is of little value. While it is true that some of the proposals may mitigate effectively for Preferred Alternative Impacts there are no indications which, if any mitigation measures would actually be implemented. Therefore, impacts must be assumed to be significant and unmitigated at this time. These comments also refer to the conclusions regarding the Sacramento River Region and the San Joaquin River Region.

Page 8-13, Section 8.1.15. Please note that RCRC's member counties provide the local land use planning and regulatory authority in much of the CALFED solution area. Both during Phase III of the CALFED program, and in CALFED's early funding of Ecosystem Restoration Actions these local agencies will expect to be consulted by CALFED in compliance with the California Environmental Quality Act as well as as needed for local zoning permits, special use permits and other regulatory entitlements.

We wish to thank the CALFED Program and staff for the opportunity to review and comment on this second draft PEIS/PEIR. We look forward to your response to comments in a revised public review draft.

Sincerely,

A handwritten signature in black ink, appearing to be 'John S. Mills', written over the word 'Sincerely,'.

John S. Mills